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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,503	02/26/2004	Akira Yoda	Q79994	4316

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EXAMINER
WASHINGTON, JAMARES

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/786,503	YODA, AKIRA
	Examiner	Art Unit
	Jamares Washington	2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>21 February 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/King Y. Poon/ Supervisory Patent Examiner, Art Unit 2625	/Jamares Washington/ Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: The arguments presented by applicant have been considered but are not persuasive.

Regarding the argument set forth in reference to claim 1 that examiner does not address how Rhoads consistently treats the calibration pattern as something other than a watermark. The examiner also does not explain how the calibration pattern actually indicates that the first information is embedded in the image.

Examiner equates the "calibration pattern" to the detection watermark as described in [103] since they both serve the same purpose, which is to assist in identifying the (first) watermark and computing its orientation in a detection operation. The detection watermark is said to be a "watermark component" which, as stated in the rejection of claim 1, "one can also construe the components to be different watermarks." As indicated in [111], the orientation pattern of a watermark, which is a specific component of a watermark and may also be construed as a separate watermark, which likens to the calibration pattern aids in the detection process as described. (See also Fig. 4). The orientation pattern is first searched in an image suspected of containing a watermark. The existence of the orientation pattern further determines that a watermark is present within the image.

Regarding the argument set forth in reference to claim 4 that Rhoads fails to disclose a processing means for performing a process of detection of the first information on only the photographed-image data from which the second information is detected.

As stated in the rejection of claim 4, "the reader captures a representation of the signal suspected of containing a watermark". Referencing [65] "The host signal is typically some form of multi-dimensional media signal, such as an image". Therefore, the reader, which captures a representation of the signal suspected of conataining a watermark, captures a representation of only the image suspected of containing a watermark.

Regarding the argument set forth in reference to claim 20 that it would not be ovbious to make the second information easier to process solely to reduce processing time; if that were the only reason, it would be obvious to make all watermarks easier to process, not just one.

The second information, which merely alerts the user and reader to further information embedded within the image, poses less of a threat when being processed because it holds no "valuable" information. Processing the second information only alerts the user to the first information which is the actual "substance" of the watermarking. Therefore, making the second information easier to process than the first would be obvious in light of the aforementioned because the first information is the actual information that, for example depending on the application, would provide copy protection or authentication.

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